#### Memorandum

**To:** Mayor & Members of Council **From:** Monica Irelan, City Manager/<sup>rd</sup>

Subject: General Information

**Date:** May 27, 2016

- Calendar
- Tuesday, May 31st @6:30 pm Special City Council Meeting
- Memorial Day Parade Information
- Press Release/Refuse and Recycling Routes during Memorial Day Week
- Press Release/Mosquito Spraying Program
- AMP Update/May 27, 2016
- OML Legislative Bulletins
  - o May 20, 2016
  - o May 27, 2016

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Records Retention - CM-11 - 2 Years

| May 2016 |    |    |    |    |    |      |
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#### Calendar

| U Calendar                  | Marit   | T !                                    | Marke 1  | Thursday 1                                | Fair                       | 0-1                      |
|-----------------------------|---|--|--|---|----------------------------|--------------------------|
| Sunday<br><b>29</b>         | Monday<br><b>30</b>                                 | Tuesday<br><b>31</b>                   | Wednesday<br>1                                   | Thursday <b>2</b>                         | Friday<br><b>3</b>         | Saturday<br><b>4</b>     |
| 29                          | 10:00 AM Memorial Day<br>Parade and Program Service | 6:30 PM Special Council<br>Meeting     | 6:00 PM River City Rodders<br>Downtown Cruise-in | 2   | 7:00 PM Rally in the Alley | 4                        |
|                             | HOLIDAY - Memorial Day - Of                         |  |  |   |                            |                          |
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| 5                           | 6   | 7                                      | 8  | 9   | 10                         | 11                       |
|                             | 6:15 PM Technology &<br>Communication Committee     |  |  | 10:00 AM WNDH Kidz Fest<br>@Glenwood Park | APPA National Conference   | APPA National Conference |
|                             | 7:00 PM City Council Meeting                        |  |  |   |                            |                          |
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| 12 APPA National Conference | 6:30 PM Electric                                    | 14<br>4:30 PM Board of Zoning          | 15 APPA National Conference                      | 16  | 17                         | 18                       |
| AFFA National Conference    | Committee/BOPA Meeting                              | Appeals Meeting                        | AFFA National Conference                         |   |                            |                          |
|                             | 7:00 PM Water/Sewer<br>Committee Meeting            | 5:00 PM Planning Commission<br>Meeting |  |   |                            |                          |
|                             | 7:30 PM Municipal                                   | APPA National Conference               |  |   |                            |                          |
|                             | Properties/ED Committee<br>Meeting                  |  |  |   |                            |                          |
|                             | APPA National Conference                            |  |  |   |                            |                          |
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| 19                          | 6:00 PM Tree Commission                             | 21                                     | 22   | 23  | 5:00 PM Ribfest            | 25                       |
|                             | Meeting   |  |  |   | 5.00 I III Kibiost         |                          |
|                             | 6:15 PM Parks & Recreation<br>Committee Meeting     |  |  |   |                            |                          |
|                             | 7:00 PM City Council Meeting                        |  |  |   |                            |                          |
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| 26                          | 6:30 PM FINANCE &                                   | 28                                     | 29   | 30  | 1                          | 2                        |
|                             | BUDGET Committee Meeting                            |  |  |   |                            |                          |
|                             | 7:30 PM SAFETY & HUMAN<br>RESOURCES Committee       |  |  |   |                            |                          |
|                             | Meeting   |  |  |   |                            |                          |
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#### City of Napoleon, Ohio

#### **City Council**

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

#### **Special Meeting Agenda**

Tuesday, May 31, 2016 at 6:30pm

- I. To make a budget adjustment of \$30,000 to cover the expenses of a full time Executive Assistant position under the Law Director and to eliminate the current unfilled positions of a full time Dispatcher for the Police Department and a part time front desk clerk.
- II. Executive Session: Economic Development

III. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council





#### City of NAPOLEON, Ohio

Open Meeting, Demonstration, Rally or Parade

#### **APPLICATION FOR PERMIT**

(Per Chapter 312 of the City of Napoleon Codified Ordinances)

| NAME (LAST, FIRST, INITIAL): CAMP, DONALD  | D F   |
|--|---|
| ADDRESS:   | TELEPHONE NUMBER:   |
| T828 CO. RD 25   | 419.267.3517  |
| STRYKER, OWID 4355   | 7 419-599.1456  |
| Sponsoring Agency (If Different than Applicant) ORGANIZATION:  |   |
| UFW POST 8218  |   |
| 1008 N. PERRY 57.  | CHAIRMAN:<br>GEORGE WAGNER - COMMANDE   |
| NAPOLEON, OHIO 4354  | 15 419.599.1456 STATE ID NOMBER   |
| Event Description:   |   |
| MATERIALIA DOLL POR  | ADE AND PRUGRAM SERVICE   |
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| Date of Event: MUNDAY, MAY 30  | 20/6 Rain Date (If Applicable): NONE  |
|  |   |
| Starting Time: 10:00 A   |   |
| Starting Time: 10:00 A.  Parade Route/Street Location of Event:  |   |
| Starting Time: 10:00 A.  Parade Route/Street Location of Event:  PORPOE WE FORM ST THE   | M. Ending Time: 12:30 P.M.  |
| Starting Time: 10:00  Parade Route/Street Location of Event:  PRINTE WAY FORM OF THE PERING ST TO THE RIVER BAIL   | M. Ending Time: 12:30 P.M.  WENRY CO. FAIR GROUND, MARTH ON   |
| Starting Time: 10:00  Parade Route/Street Location of Event:  PORPOSE UNCL FORM OF THE PERIL ST. TO THE RIVER BAIL   | M. Ending Time: 12:30 P.M.  WENRY CO. FAIR GROUND, NORTH ON DUE FOR SHORT SERVICE THEN CONTINUES TON 51. AT THE WAR MEMORIAL  |
| Starting Time: 10:00  Parade Route/Street Location of Event:  PORPOSE UNCL FORM DT THE  PRH ST TO THE RIVER BAIL  OFERRY TO EDST WASHING   | M. Ending Time: 12:30 P.M.  WENRY CO. FAIR GROUND, NORTH ON DUE FOR SHORT SERVICE THEN CONTINUES TON 51. AT THE WAR MEMORIAL  |
| Starting Time: 10:00  Parade Route/Street Location of Event:  PORPOSE UNCL FORM DT THE  PERCY ST TO THE RIVER BAIL  OF PERRY TO EDST WASHING  OR MAIN SERVICE  | M. Ending Time: 12:30 P.M.  WENRY CO. FAIR GROUND, NORTH ON DUE FOR SHORT SERVICE THEN CONTINUES TON 51. AT THE WAR MEMORIAL  |
| Starting Time: 10:00  Parade Route/Street Location of Event:  PARADE WYCE FORM AT THE PERCY ST TO THE RIVER BAIL  OF PERCY TO EAST WASKING  OR MAIN SERVICE  Street Closure Required: YES-NO-  | M. Ending Time: 12:30 P.M.  WENRY CO. FAIR GROUND, NORTH ON DUE FOR SHORT SERVICE THEN CONTINUED STON 51. AT THE WAR MEMORIAL  If YES, Street(s) to be Closed are WASHINGTON ST PER |
| Starting Time: 10:00  Parade Route/Street Location of Event:  PORPUTE WYCL FORM OF THE PERCY ST TO THE RIVER BAIL  OF FERRY TO EDST WASHING  Street Closure Required: YES- NO-  Detween  EAST WASHINGTON  Detween  | M. Ending Time: 12:30 P.M.  WENRY CO. FAIR GROUND, NORTH ON DUE FOR SWORT SERVICE THEN CONTINUED STON 51. AT TWE WAR MEMORIAL  If YES, Street(s) to be Closed are WASHINGTON NI PER |

Must Notify Residents and Businesses whose access will be affected by the street(s) closure.

IF BARRICADES OR ORANGE TRAFFIC CONES WILL BE NEEDED, PLEASE CONTACT THE CITY OPERATIONS DEPT. @ 419.599.1891 AT LEAST ONE (1) WEEK PRIOR TO THE EVENT.

# City of NAPOLEON, Ohio

#### **Operations Department**

1775 Industrial Dr., P.O. Box 151, Napoleon, OH 43545 Phone: 419/599-1891 Fax: 419/592-4379

Napole (
Heartland Values, Flowing Opp.

Operations Superintendent Jeffrey H. Rathge

Water Distribution Foreman Brian Okuley

Streets/Sewer Foreman Roger Eis

Refuse Foreman Perry Hunter

Head Mechanic Tony Kuhlman

# Press Release

#### **MEMORIAL DAY REFUSE & RECYCLING ROUTES**

NAPOLEON, OHIO, -- Due to the upcoming Memorial Day holiday, the refuse and recycling pickup routes for the City of Napoleon will be as follows for the week of May 30 – June 3, 2016 ONLY:

- Monday, May 30 HOLIDAY NO PICK UP
- Tuesday, May 31 Monday's Route
- Wednesday, June 1 Tuesday's Route
- Thursday, June 2 as usual; Wednesday's route will also be run on Thursday (there is a possibility of later than usual pickup time for Thursday's route).
- Friday, June 3 as usual

Wednesday's and Thursday's routes will both be run on Thursday, June 2. The Operations Department is asking that for those affected, an extra effort be made to have their refuse and recycling at the curb by 7:00 a.m. on the 2nd.

Please contact the Operations Department at 419/599-1891 if there are any questions regarding this matter.





# City of NAPOLEON, Ohio

**Operations Department** 

1775 Industrial Dr., P.O. Box 151, Napoleon, OH 43545

Phone: 419/599-1891 Fax: 419/592-4379



# Press Release

#### **MOSQUITO SPRAYING PROGRAM**

The City of Napoleon will be starting its annual Mosquito Spraying Program the week of May 31, 2016 and will continue through the months of June, July, August and later, if needed.

The schedule will be as follows unless any of the following conditions exist: (1) winds are over 10 mph; (2) it is raining; or (3) the temperature is below 60 degrees:

- Tuesday evening the areas south of Woodlawn and west of Webster.
- Wednesday evening · the areas north of Woodlawn and west of Oakwood, including Maple, Fillmore, Shelby, Hobson, Monroe and E. Clinton Streets.
- Thursday evening all of the south side of the river, East Riverdowns and east of Oakwood.

The City will be spraying an odorless, fast acting, low toxicity chemical; however, individuals with respiratory problems may want to close their doors and windows. Spraying each evening will begin at approximately 8:00 p.m.

Any questions regarding this matter should be directed to the City of Napoleon Operations Department at 419-599-1891.



May 27, 2016

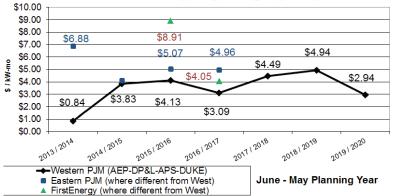
# PJM announces results of 2019-2020 installed capacity auction

By Mike Migliore - vice president of power supply planning & marketing

Each May, PJM runs an auction to contract with generators and curtailable loads to be on call to perform when PJM's load is in danger of exceeding the amount of generation production. PJM recently ran its annual auction to acquire installed capacity for the June 2019 through May 2020 planning year. The auction surprised most market forecasters by clearing at its lowest price since 2013.

The chart below shows what loads will pay for their installed capacity responsibility. Each \$1.00/kW-mo demand charge equates to approximately \$2.50/MWh. Members with resources that include capacity are less affected by the changes in prices.





PJM attributed the drop in prices to a reduction in its load forecast by 1,600 MW and a 4,500 MW increase in new generation. For the 2019-2020 period, PJM will have 167,306 MW of generation contracted for capacity, which equates to a 22 percent reserve margin. This reserve margin will be its highest level since PJM began holding capacity auctions 13 years ago.

This is the second year that PJM's auction acquired generation under its new Capacity Performance (CP) rules that now impose stricter penalties to generators for non-performance during emergencies any time during the year. Eighty four percent of the installed capacity fell under the CP category, while the remaining 16 percent was sold as base capacity, which has a lesser penalty that is only measured during the summer months.

Starting with next year's auction for 2020-2021, the base capacity option will be eliminated, meaning installed capacity prices are expected to increase.

On the more current side, members will see a drop in installed capacity costs beginning in June 2016 as the chart above shows.

# AMP Board elects new secretary, treasurer

By Rachel Gerrick - deputy general counsel

At its May meeting, the AMP Board of Trustees elected Kevin Maynard, Hamilton director of electric, as secretary and Patrick McCullar, president and CEO of the Delaware Municipal Electric Corp. (DEM-EC), as treasurer.



Kevin Maynard

Maynard and McCullar join existing officers Chair Steve Dupee, Oberlin Municipal Light & Power System; and Vice Chair Jeff Brediger, City of Orrville.



Patrick McCullar

The AMP Board of Trustees consists of 20 AMP members, 19 of which are elected by the members or subgroups of members and DEMEC, on behalf of its nine member systems. Each such elected member then appoints a person to represent it on the Board.

# Fitch affirms AMP Fremont Energy Center 'A' rating

By Marcy Steckman – senior vice president & CFO elect

On May 26, Fitch Ratings (Fitch) affirmed the A rating with a stable outlook on the \$520,620,000 currently outstanding American Municipal Power, Inc. (AMP) Fremont Energy Center (AFEC) Project Revenue Bonds. The bonds were issued in July 2012 to finance the acquisition and complete the construction of the two-unit 675 MW natural gas fired combined cycle facility in Fremont, Ohio. The facility was placed in service in January 2012.

continued on Page 2

#### **Energy markets update**

By Jerry Willman - assistant vice president of energy marketing

NYMEX natural gas for June 2016 fell \$0.029/MMBtu Thursday to settle at \$1.963. The EIA reported an inventory injection of 71 Bcf injection for the week ending May 20. The average Bloomberg estimate was 68 Bcf and the forecasted range was 60-76 Bcf. This week's storage number again came in below both the 106 Bcf injection seen last year and the 97 Bcf five-year average build. On-peak power prices for 2017 at AD Hub closed yesterday at \$36.95/ MWh, which was \$0.29/MWh lower for the week.

#### **AFEC** weekly update

By Jerry Willman

Fremont remained in 1x1 configuration for the week and the plant ran in baseload operation on Sunday due to lower PJM LMP prices and again on Thursday for environmental testing. The plant operated with duct firing the remainder of the week. The plant generated at a 38 percent capacity factor (based on 675 MW rating).

#### Reminder for communities to review disaster plan

By Michelle Palmer, PE - vice president of technical services

As summer storm season approaches, now is a great time for member communities to review their disaster plan, update local contacts and mutual aid coordinator information. We strongly encourage all AMP members to execute the AMP mutual aid agreement.

In the event mutual aid is needed, the first step is to evaluate the system outage and collect outage data information. This includes the cause of outage; type of damage; materials, equipment and crews needed; estimated total number of customers affected; how long customers have been out; and estimated restoration time and length of time needed for mutual aid crews. Next, please contact your sector coordinator. Sector coordinators are:

- Red Sector Adam Brandt: 419.553.9778
- Green Sector Kenny McKenzie: 614.313.9247
- Gold Sector Bill Lyren Jr.: 330.352.1030
- Black Sector Donnie Watts: 513.646.0441
- Blue Sector Gregg Orians: 419.721.3015
- Purple/Brown Sector Jim Haeseler: 570.527.1301

If you are unable to contact your sector coordinator, please contact Bob Rumbaugh at 614.204.8500 or AMP's Energy Control Center 24-hour emergency lines at 614.540.1020 or 614.540.1030. In addition to AMP's services, the American Public Power Association (APPA) also has a national mutual aid program for members to consider.

For further information on AMP's Mutual Aid program, including a sector breakdown by community, visit the Mutual Aid section of AMP's Member Extranet. For any additional information, please contact Rumbaugh at rrumbaugh@amppartners.org or 614.204.8500, or myself at mpalmer@amppartners.org or 614.540.0924.

#### Week ending May 27 MON TUE WED THU FRI \$27.50 \$24.25 \$31.44 \$35.61 \$32.06 Week ending May 20

On Peak (16 hour) prices into AEP/Dayton Hub

TUE MON WED THU FRI \$27.14 \$26.65 \$24.62 \$25.78 \$25.97

AEP/Dayton 2017 5x16 price as of May 26 — \$36.95 AEP/Dayton 2017 5x16 price as of May 19 - \$37.24

#### Fitch affirms 'A' rating

continued from Page 1

The Fitch press release pointed out the key ratings drivers for its affirmation of the A rating:

- The plant provides the participants a competitively priced power supply expected to continue over the long term;
- AMP's entire share of the project output is purchased pursuant to take-or-pay power sales contracts with the 87 municipally owned electric system participants;
- Solid participant credit quality;
- Favorable fuel supply arrangements, with procurement, purchasing and hedging activities managed by The Energy Authority, an experienced service provider;
- Strong contract enforcement provisions, including a standard step-up provision of up to 125 percent of each participants original allocation of project output; and
- Solid project operating performance, with 2016 actual operating costs comparing favorably to the actual electricity prices in the PJM market.

If you have any questions or would like a copy of the report, please contact Chris Deeter at 614.540.0848 or cdeeter@amppartners.org.

#### Save the date: AMP Rodeo

The third annual AMP Lineworkers Rodeo will be held Aug. 27 at AMP headquarters in Columbus. Registration materials will be distributed in the coming weeks. The rodeo showcases the talents of lineworkers in AMP member communities. The event will feature three levels of competition: team, individual and apprentice. In addition to the rodeo, training sessions will be held Aug. 26.

We encourage lineworkers from our communities to participate - all AMP member utilities are eligible.

# www.amppartners.org

#### Spring funding cycle for DEED program opens June 1

By Michelle Palmer, PE

The spring funding cycle of the American Public Power Association's (APPA) Demonstration of Energy & Efficiency Developments (DEED) program opens on June 1 and runs through Aug. 15.

Grants, up to \$125,000, are designed to fund innovative utility projects that increase efficiency, reduce costs, investigate new technologies, offer new services, or improve processes and practices to better serve customers.

AMP pays for its members to be DEED participants and will assist utilities with the grant application process. If you need AMP's assistance in compiling a DEED application, please contact me at mpalmer@amppartners.org or 615.540.0924.

The \$4,000 scholarship applications for student interns will open Aug. 1.

Additional DEED program details are available at www. publicpower.org or email to DEED@PublicPower.org for more information.

#### Calendar

June 9—Finance & Accounting Subcommittee

Contact Joe Regan at jregan2@amppartners.org by June 6 to RSVP

June 13-17—Basic 1 Lineworker Training AMP Headquarters, Columbus

June 21-22—Groundworker Course Hudson

June 27-July 1—Intermediate Lineworker Training AMP Headquarters, Columbus

#### Two staffers join AMP team

AMP welcomes Emily Scardon and Raymond Brown to the AMP team. Scardon comes to AMP as manager of project accounting, having previously worked in finance for NiSource. She holds a bachelor's degree in finance from Oklahoma State University, a master's of business administration from the Ohio State University and is a certified public accountant.





Brown will serve as part-time maintenance for AMP headquarters in Columbus. He was most recently an anesthesia technician for Mount Carmel Hospital.

He holds an associate degree in automotive technology from Columbus State Community College and is pursuing a master's degree in integrated studies at Ohio Dominican University.

Please join us in welcoming Emily and Raymond to AMP.

#### **CPP** hosts key account certification training

As a reminder, Cleveland Public Power (CPP) will host the American Public Power Association (APPA) Key Public Power Account Executive Certification Course June 20-June 22 in downtown Cleveland. The course includes a series of webinars plus three days of classroom training. Registration is open until June 1. Contact Deborah Prince at 216.420.7704 ext. 150 or <a href="mailto:dprince@">dprince@</a> cpp.org to register or for more information.

#### Classifieds

#### Westerville seeks engineer

The City of Westerville is seeking an experienced professional to serve as Electric Engineer (\$32.70 - \$40.00/hr.).

This is professional electrical engineering work in the design, analysis, coordination of all electric construction, distribution, and other electrical systems projects in the city. Work involves the application of electrical engineering skills and knowledge to design, analyze, install, supervise and maintain electrical engineering systems in the city.

Requires: bachelor's degree in electrical engineering and two years progressively responsible electric utility experience; or any equivalent combination of training and experience plus considerable knowledge of the National Electric Safety Code and principles and practices of electrical engineering.

No resumes please. All applications must be accepted online by 11:59 p.m. on June 13, 2016. For full job description and to apply, visit www.westerville.org (click "Jobs" at the top of the page). EOE/ADA

#### Fiscal officer needed in Arcadia

The Village of Arcadia is accepting resumes and a letter of interest for a part-time Fiscal Officer. The successful candidate will have experience in general accounting practices, accounts payable and receivables, bank reconciliations, payroll and withholdings, and meeting all financial and budgetary compliance and reporting for a government entity. Uniform Accounting Network experience preferred. This is a salaried position. This is an appointed position not requiring residency. Please send your resume and a cover letter to Mayor Matthew Tesnow at P.O. Box 235, Arcadia, Ohio 44804.

#### Coldwater has positions available

The Coldwater Board of Public Utilities is seeking qualified candidates for the following positions. To apply, submit resume to Sue Rubley, Coldwater Board of Public Utilities,

One Grand Street, Coldwater, MI 49036. Preferably email to <u>resume@coldwater.org</u>. Phone: 517.279.9531. Equal opportunity employer.

**Electrical public works engineer and/or engineering technician:** The position is responsible for the engineering, design and management of electric substations, transmission and distribution systems; administering, developing and maintaining electric system maps, modeling, GIS and SCADA systems using industry related software and applications; and providing technical support for all public utility systems and assets. Qualified candidates for the technician position should have an associate's degree in electrical engineering or related field with at least two years of experience. Qualified candidates for the engineer position should have a bachelor's degree in electrical engineering or related field with at least four years of experience.

**Public works engineer:** The position is responsible for oversight of the utility infrastructure systems (streets, water, sanitary, storm, traffic and parcel development) concentrating on project management. Preferred candidates should have a bachelor's degree in civil engineering or related field with at least three years related experience in project management.

# Columbus seeks qualified candidates for open positions

The City of Columbus Department of Public Utilities is seeking qualified candidates for the following positions. To apply, candidates must first take the open competitive examination. Applications must be submitted to the Civil Service Commission by applying online by June 8, 2016. Contact the Civil Service Commission at 614.645.8300 with questions. EOE. Applicants may inspect and acquire a copy of the City of Columbus Department of Public Utilities EEO Plan by visiting the DPU website.

**Electric Metering Supervisor I** – This position is responsible for supervising and participating in installing, testing, and repairing residential and commercial electric meters. To qualify candidates must have completed the 12th school grade and have four years of experience repairing or installing electric meters. Substitution(s): A certificate of high school equivalence (GED) will be accepted in lieu of a diploma. Must have a valid driver's license. Salary \$50,481.60 - \$78,499.20.

**Power Line/Cable Worker Trainee** – This position is responsible for learning to install, repair and replace components of the electrical power distribution system. Candidates must have completed the 12th school grade and have six months of experience in electrical construction, electrical renovation, electrical utility, or power distribution work. Substitution(s): A certificate of high school equivalence (GED) will be accepted in lieu of the 12th school grade requirement. Successful completion of a formal training program in the general principles of electricity or power distribution may substitute for the required experience. By the completion of the probationary period, must possess a valid Class A CDL with air brakes. Salary \$41,163.20 - \$50,939.20.

**Substation Maintenance Technician** – This position is responsible for testing, maintaining, and repairing transformers and installing and maintaining switches, regulators and related electrical power distribution equipment. Candidates must have one year of experience as a Power Line/Cable Worker Trainee or Lamp Servicer with the City of Columbus or comparable experience. Substitution(s): Successful completion of a formal classroom or apprenticeship training program in power distribution may substitute for six months of the required experience. Candidates must possess a valid Class A commercial driver's license with air brakes. Salary \$45,385.60 - \$78,499.20.

#### **Ephrata seeks lineman candidates**

Working as part of a team, the 1st Class Electric Lineman will need technical, analytical and electrical knowledge and be able to deliver reliable electric service to the Borough of Ephrata customers. The position will be responsible to perform inspections, maintenance, operations and construction work on the substations, transmission, distribution and street lighting systems. Work on circuits up to 13.2 kV with hot sticks and/or with rubber protective equipment in aerial buckets and in required safety apparel.

Applicants must possess: minimum Class B motor vehicle license; minimum of four years of work experiences for a public or private utility or completion of a recognized apprenticeship program, demonstrate thorough working knowledge of transformer connections, phasing, testing line inspections, emergency sectionalizing, meter and service installation; you must be able to climb utility poles and perform work up to 60 feet above the ground. Candidates must reside within 30 minutes of Ephrata to respond to call-outs.

Complete an application at the borough or send a resume to: Human Resources Department, Borough of Ephrata, 124 S. State St., Ephrata, PA 17522 or <a href="mailto:skramer@ephrataboro.org">skramer@ephrataboro.org</a>. Visit <a href="www.ephrataboro.org">www.ephrataboro.org</a> for more information. EOE M/F/D/V

#### Positions available in Danville

The City of Danville is seeking candidates for the following positions. Apply online at <a href="www.danvilleva.gov">www.danvilleva.gov</a>. Equal Opportunity Employer.

**Electric Line Technician I, II or III** – Performs technical work involved in the installation, construction and maintenance of the city's electric system; Digs holes, sets poles, assembles and hoists equipment; Places equipment on poles; climbs poles as necessary; Assists in restoring service to customers during outages and other emergencies and repair/installation of street lights and circuits; Serves on rescue team per OSHA requirements.

Knowledge of material and equipment in line installation construction and maintenance; Some knowledge of vehicle and equipment maintenance; Experience and ability to operate motorized equipment; Required to progress through a journey lineman apprenticeship training program; Education and experience equivalent to graduation from high school with additional courses in field of study; Possession of or ability to acquire first aid and CPR certification

required; Possession of or ability to acquire a CDL within six weeks of employment required. Salary range \$13.22 -\$22.61/hour based on guidelines set by the Line Technician Apprenticeship Program and experience/qualification. Position will remain open until filled.

Electric Line Crew Supervisor – Position will supervise, monitor and evaluate the line crew regarding the installation, maintenance and repair of electric service lines. This is accomplished by supervising locations on site; handling trouble calls and complaints; determining steps to take when issues arise and developing plans to work accordingly; reviewing and maintaining records of time and materials; assisting the crew as necessary with tasks and procedures; and performing all regular duties in a manner that is consistent with laws and safety regulations; maintain safety procedures; serve on rescue team per OSHA requirements. Education and/or experience equivalent to associates degree with experience in supervision; possession of or ability to obtain CDL within six weeks of employment; Starting Salary: \$22.79 - \$27.35 per hour/DOQ.

#### Village of Edgerton has opening for village administrator

The Village of Edgerton, Ohio is seeking resumes for the position of Village Administrator. The person appointed will report to the mayor and will provide general administrative direction; supervise personnel; advise employees on proper procedures; direct the operation for all utility, street, park, zoning activities; and perform economic development and grant writing activities. A complete job description is available by contacting the Village of Edgerton fiscal officer at dawnf@edgerton-ohio.com.

The candidate should have a high school diploma or GED, college-level course work in public or business administration (bachelor's degree preferred), management experience, and some experience with municipal government and/or public utility operations. A valid driver's license required. Salary commensurate with qualifications and experience. Please submit resume and cover letter to Mayor, Village of Edgerton, P.O. Box 609, 324 N. Michigan Ave., Edgerton, OH 43517by 4 p.m. May 31, 2016. The Village of Edgerton is an Equal Opportunity Employer.

#### Oak Harbor seeks lineworker

The Village of Oak Harbor is seeking qualified applicants for its Electric Department. Certified Journey Line Worker (\$18-\$23/hour) is preferred, but will consider third or fourth year apprentice (\$16-\$22/hour).

Ability to perform skilled/semi-skilled line work in the operation, maintenance, and repair of overhead and underground electrical distribution system and other related duties. Minimum three years "live line" maintenance experience preferred. Ability to work safely in inclement weather/adverse conditions with voltages up to 12Kv, must be willing to be on-call for emergency response and trouble calls. Able to operate specialized related equipment and vehicles. Must possess high school diploma or GED equivalent and a valid State of Ohio Class "A" Com-

mercial Drivers License. Must pass physical examination and drug test available after 90 days.

Applications and position descriptions are available at the village administrator's office located at 146 N. Church St., Oak Harbor, OH 43449. The application is available on the village's website at www.oakharbor.oh.us (Government Tab). For a full position description, questions or position details, contact the Village Administrator's office at 419.898.5561 or email randyg@oakharbor.oh.us 8:30 a.m. to 4:30 p.m. weekdays. Deadline to apply is June 2, 2016 or until position filled. The Village of Oak Harbor is an Equal Opportunity Employer.

#### Hamilton positions available

The City of Hamilton has the following positions available. To learn more about Hamilton, please visit the city's website. Current detailed resumes and proof of required water and wastewater certification must be submitted in Word or PDF by 5 p.m. June 7, 2016, to the Civil Service Department by email: cspersonnel@hamilton-oh.gov or fax: 513.785.7037. Specify interest in WPWR OPS SUPERV or ASST MGR TRANS DIST OPS. The City of Hamilton is an EEO & AAE. Minorities and women are encouraged to apply.

Water Production and Water Reclamation Operations Supervisor: This position is responsible for difficult professional, administrative and supervisory work in the planning, organization, direction and coordination of the operations, maintenance, capital improvements and activities of City Water Production and Water Reclamation facilities, including laboratory facilities. Candidates should possess high school graduate or GED, preferably supplemented by education in the water/wastewater field, engineering and business administration; graduation from a college or university of recognized standing with a bachelor's degree in a related field is preferred. Special requirements, licenses and certifications: possession of a valid OEPA Class III or IV Wastewater Operator Certification and Class II or III Water Supply Operator Certification (reciprocal license will not be considered); possession of a valid Ohio driver's license; availability for after-hours emergency situations.

Assistant Manager of Transmission and Distribution Operations: This position is responsible for difficult professional, supervisory and technical work in the planning, organization, direction, supervision and coordination of the operations, maintenance, capital improvements and activities of the Electric Transmission and Operations Division, including transmission and distribution systems, substations, downtown electric network and fiber optic system. Candidates should possess any combination of education and experience equivalent to graduation from a college or university of recognized standing with a bachelor's degree in electrical engineering or closely related field with professional engineer certification and/or graduate experience preferred; and considerable experience in electric public utility management and operations, including supervisory experience; or any equivalent combination of experience and training that provides the knowledge, skills and abilities to effectively perform the essential job functions; and possession of a valid driver license.



# Legislative Bulletin

#### May 20, 2016

The legislature continued its wrap up of several weeks of flurried activity this week. Wednesday saw the House pass 23 pieces of legislation while the Senate considered 16. As the activity begins to draw down the League is has been involved with amending, testifying, and making recommendations on dozens of bills. The following is a quick rundown of legislative activities the league has been involved in this week:

#### SENATE PASSES BILLS AFFECTING MUNICIPALITIES

The Ohio Senate passed three bills that the League has been tracking. First was HB 5, introduced by Representative Stephanie Kunze (R-Hilliard) and Kyle Koehler (R-Springfield) which would allow the Auditor of State to conduct business case studies regarding the efficiency of local public offices and state agencies. The bill received support and proponent testimony from multiple municipal officials. The bill has already passed the House but underwent amendments in the Senate, so it will go to the House for consideration of a concurrent vote and likely the Governor for his consideration.

Second, the Senate passed HB 187 which would authorize a first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, or volunteer firefighter to stabilize an injured animal in an emergency. The bill passed unanimously in both chambers and will now go to the Governor for consideration.

Third, the Senate passed HB 166 which would extend the deadline for filing an application for the homestead exemption or 2 1/2% property tax rollback to the end of the tax year, would require that auditors certify Local Government Fund allocations to subdivisions by regular or electronic, rather than certified mail, and would repeal laws requiring county auditors to issue permits for traveling shows, issue licenses for new merchandise public auctions, certify the annual state tax interest rate to local courts, and provide certain certifications related to the repealed personal property tax. The bill will now go to the House for consideration of a concurrent vote and likely the Governor for his consideration.

We reported last week about how an amendment was added to this bill (HB 166) that addresses allowable sources of animals for pet stores. The amendment would have usurped local Home Rule authorities by preempting all local ordinances that regulate pet stores and by declaring that the regulation of pet stores to be a matter of statewide interest. HB 166 was passed without that amendment. However, the Chairman of the committee that this bill was assigned to (Senate Ways and Means Committee) Senator Bob Peterson (R-Washington Court House) introduced SB 331 this week, which is similar to the amendment. A companion bill was introduced in the House by

Representative Gary Scherer (R-Circleville), HB 573. The League will be communicating with Chair to express our concerns with this legislation, as expressed in last week's bulletin regarding the amendment.

#### HOUSE PASSES BILLS AFFECTING MUNICIPALITIES

The Ohio House passed six bills that the League has been tracking. First, the House passed HB 130, introduced by Representatives Mike Duffey (R-Worthington) and Christina Hagan (R-Alliance). The bill would create the "DataOhio Board," which would specify requirements for posting public records online, would require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, would establish an online catalog of public data at data.Ohio.gov, and would establish the Local Government Information Exchange Grant Program.

The bill received reserved support from the League after a long process of negotiation with the sponsors. The League worked to ensure that, not only would every element of the bill be voluntary, but that it would be difficult to make it involuntary in the future. To do so, we ensured that the League would have appointments to the new DataOhio Board and successfully lobbied for multiple provisions in the bill. We will continue to monitor the bill as it goes to the Senate and have made the sponsors aware that the League's acquiescence is conditioned on the provisions we have agreed upon. Meanwhile, we greatly appreciate the many hours that the sponsors dedicated to addressing our concerns.

Secondly, the House passed HB 341, introduced by Representatives Ron Young (R-Leroy Township) and Martin Sweeny (D-Cleveland) which would require the Public Utilities Commission to raise the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, would establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, would modify the civil penalties applicable to violations of the towing law, would modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and would make other changes to the towing law. The League is an interested party on this bill and is working with several of our members and the sponsors to continue amending the bill. We expect several amendments once this bill goes to the Senate.

Third, the House passed HB 435, introduced by Representative Jeffrey McClain (R-Upper Sandusky) which would authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities. This new bond bank will make this system available to permanent improvement projects as defined under ORC 133.01(CC).

The League was involved in the vetting of this legislation and believes that it will be helpful to municipalities in several ways. First, it will offer an option that would lower the cost of bonds for municipalities. The bill would create an optional system by which a municipality's bonds would be issued through a pooled system, managed by the State Treasurer, rather than directly from the municipality itself. The State of Ohio would also avail municipalities of a state-payment intercept system that will reduce costs. This would make the bond more secure and provides for outsourcing of many administrative requirements, and hence, less expensive.

Fourth, the House passed HB 447, introduced by Representatives Kirk Schuring (R-Canton) and Stephen Slesnick (D-Canton) which would prohibit a person from intentionally killing a police dog in the line of duty.

Fifth, the House passed HB 455, introduced by Representatives John Patterson (D-Jefferson) and Kristina Roegner (R-Hudson) which would authorize a municipal corporation or township to establish a boarding school zone and a special speed limit within that zone.

Sixth, the House passed HB 423, introduced by Representative Rick Perales (R-Beavercreek) which would specify that an order for active military service or other documentation regarding the call to order of an individual in the Armed Forces of the United States or the Ohio organized militia is not a public record. The League submitted proponent testimony for the bill.

#### GOVERNOR SIGNS BILLS AFFECTING MUNICIPALITIES

The Governor signed two bills into law this week that will affect municipalities. First, SB 75, introduced by Senators Shannon Jones (R-Springboro) and Bob Peterson (R-Washington Court House) which is the "agritourism" bill. The bill would limit the authority of a board of county commissioners or board of township trustees to prohibit agritourism through zoning, to apply current agricultural use valuation to land used for agritourism for property tax purposes, and to establish immunity in a civil action for agritourism providers. Secondly, the Governor signed the Capital Appropriations bill, SB 310, introduced by Senator Scott Oleslager (R-Canton).

#### SENATE HEARS BILL ON POLICE CHIEF TRAINING

The Senate State and Local Government Committee held a first hearing on SB 322, introduced by Senator Cliff Hite (R-Findlay) which would require the Ohio peace officer training commission to develop and conduct a chief of police training course for newly appointed chiefs of police appointed on or after January 1, 2017, and to require newly appointed chiefs of police of villages, cities, and townships to attend the training course within six months of appointment as a chief of police. The OML is tracking this bill closely and will be making some amendment requests.

#### HOUSE HEARS BILL TO RAISE TRANSPORTATION DOLLARS

The House Ways and Means Committee held a first hearing on HB 528, introduced by Representative Margaret Ann Ruhl (R-Mt. Vernon) which would authorize additional permissive local motor vehicle license taxes up to a total of \$15. This is similar to proposals made by many local government organizations several months ago. The bill would be a solution to the problems arising from declining gas tax revenue and extraordinary infrastructure needs of local governments. We urge members to contact their representatives to discuss these issues in detail and advocate for this legislation.

#### HOUSE COMMITTEE HEARS POLICY BODY CAMERA LEGISLATION

The House Local Government Committee held a fifth hearing on HB 407, introduced by Representatives Cheryl Grossman (R-Grove City) and Kevin Boyce (D-Columbus). The bill creates a basic framework for police departments that implement a police body camera program. The League has reviewed the legislation and has not found any substantial problems with it. The bill could provide needed guidance for local departments in developing their policies. A Fraternal Order of Police (FOP) requested amendment was considered this week that would allow a police officer to review the recordings that he/she makes before it is released to the public. That amendment was tabled but is expected to resurface again. After consultation with membership, the League is strongly supporting some version of this amendment, although we agree that the tabled amendment was not acceptable because it allowed the officer to amend his incident report after reviewing the video.

#### SENATE COMMITTEE HEARS 911 BILL

The Senate Finance Committee held a second hearing on HB 277, introduced by Representative Andrew Brenner (R-Powell) which would authorize a county, township, or municipal corporation to impose a 9-1-1 system levy in only the portion of the subdivision that would be served by the 9-1-1 system. The only witness was Jeff Wilson, Chief of the BST&G Fire Department and President of the Delaware County 9-1-1 Advisory Board. Wilson testified that a Delaware County 911 levy does not exclude Westerville, Dublin, and Columbus from the tax, even though those jurisdictions do not utilize the service. He explained how the bill would fix this problem.

#### CIVIL ASSET FORFEITURE BILL PASSES

The House Judiciary Committee held a seventh hearing and passed HB 347, introduced by Representative Rob McColley (R-Napoleon) and Tom Brinkman (R-Cincinnati) that would eliminate civil asset forfeiture proceedings and modify the law governing criminal asset forfeitures. The prosecutors and police chiefs associations have vigorously opposed the bill. The bill was favorably voted out of Committee this week, with dissenting votes from Representatives Greta Johnson (D-Akron), Kristin Boggs (D-Columbus), and Bob Cupp (R-Lima).

The bill was amended in several ways this week, including amendments that: permit civil forfeiture after three months instead of a year, except for a fugitive running from the law; requires the filing of a civil forfeiture action that merges with the associated criminal action; requires hearings not sooner than 21 days after a motion is filed, rather than 14 days in several parts of the bill; allows for forfeiture funds to be spent on a longer list of items; excludes drug buy money from the definition of "proceeds" if it is used by a law enforcement agency; changes the burden of proof for a third party; creates an independent civil cause of action for illegal proceeds corresponding to the criminal charge, and for two years after the violation of the criminal charge there could be a civil suit filed, whereby the proceeds would go into escrow (the amount needs to exceed \$25,000 to be eligible); and, lastly, provides a two-year statute of limitations and one-year requirement that the case be completed.

Senate Energy and Natural Resources Committee held hearings on two bills the League is tracking. First, it held a first hearing on HB 512, introduced by Representative Tim Ginter (R-Salem) which would establish requirements governing lead and copper testing for community and non-transient non-community water systems, would revise the law governing lead contamination from plumbing fixtures, would make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and would revise the laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds. We have reported extensively on this bill in previous bulletins and continue to monitor the bill's process. The issue of contention continues to be the time frames involved. There is a fundamental disagreement between several water systems and the state on how long certain notices should take. The Committee also asked questions to ensure that the corrosion issues that Flint, Michigan experienced are adequately addressed.

Second, the Committee held a fifth hearing on SB 185, introduced by Senator Bill Seitz, which would revise the law governing special improvement districts created for the purpose of developing and implementing plans for special energy improvement projects. The bill would allow one or more property owners to petition a municipality to create a special energy improvement district and creates laws to govern such districts.

The Senate Government Oversight and Reform Committee held a third hearing on SB 270, introduced by Senator John Eklund (R-Munson Township) which makes changes to laws regulating pawnbrokers. The Police Chiefs Association, Columbus Public Safety Director George Speaks, and Columbus Deputy Police Chief Richard Bash all testified against the bill, citing numerous problems with the bill. Each testified that the bill makes it easier for thieves to sell stolen goods quickly.

The Senate Ways and Means Committee held hearings on three bills that the League is tracking. First, HB 182, introduced by Representative Kirk Schuring (R-Canton) would revise the law governing the creation and operation of joint economic development districts (JEDDs) and enterprise zones. The Township Association testified that the bill should revert back to the House-passed version, which restricted area businesses from opting out of a JEDD. They feel that the business will benefit from the JEDD because it is still located in the JEDD zone and should therefore have to contribute to it. Afterwards, several amendments were added to the bill. Those amendments: changed the income tax check-off thresholds, dealt with municipal exemption authority, dealt with procedures for exemption complaint notifications, dealt with township authority, made changes regarding a property tax exemption for the Columbus Convention Center, and moved the municipal net operating losses reporting deadline to Dec. 31, 2016.

Second, the Committee held a second hearing on HB 390, introduced by Representatives Tim Schaffer (R-Lancaster) and Wes Retherford (R-Hamilton), which exempt the sale of natural gas by a municipal gas company from the sales and use tax. The bill is intended to give relief to certain municipalities that acquired natural gas tax debts. The bill was amended to the prohibit counties from imposing a utility service tax. Otherwise, there was no testimony or other action.

Third, the Committee held a sixth hearing and favorably voted out HB 166. The Senate also passed this bill on the floor this week, so the details related to this bill are reported on in the section dealing with Senate-passed bills (above).

#### **BUSINESSES**

The Ohio Development Services Agency (DSA) is seeking partners to help develop and grow Ohio small businesses and entrepreneurs through the Small Business Development Centers (SBDC) Program. This program supports small businesses by offering free counseling, workshops and training focused on creating jobs, increasing sales and gaining access to capital.

In order to maintain the highest quality services for Ohio small businesses, DSA will be conducting an open competition to select the Ohio SBDC regional partners. Non-profit organizations, economic development organizations and educational institutions with strong experience in business and economic development will be eligible for the program.

The Ohio Development Services Agency (DSA) currently administers the Ohio SBDC program in collaboration with the U.S. Small Business Administration (SBA) through 27 regional partners. The request for proposals is now open till June 6, 2016, with awards planned for July 6, 2016. To apply, visit: <a href="www.sbdc.development.ohio.gov">www.sbdc.development.ohio.gov</a>. The Ohio SBDC program is managed by DSA's Office of Small Business and Entrepreneurship and is a state and federal initiative to develop and grow Ohio's small businesses.

#### **COMMITTEE SCHEDULE FOR WEEK OF MAY 23rd, 2016**

Below is the committee schedule for next week. You may notice that the Ohio Senate has not released their schedule of committee activity for next week, but they will be in session. When the additions to the schedule are released, we will post those to our website Monday.

Have a safe weekend~

#### **Tuesday, May 24, 2016**

**HOUSE WAYS AND MEANS** Rep. Schaffer: 614- 466-8100 Tue., May. 24, 2016, 1:30 PM, Hearing Room 121

**HB 12** TAX INCREMENT FINANCING (BUTLER J, BURKLEY A) Property owners- notice/ exclude parcel

Fourth Hearing, Proponent/ Opponent/ Interested Party, POSSIBLE AMENDMENT, POSSIBLE VOTE

**HB 491** PILOT PROGRAM (ANIELSKI M) Foreign trade zone facilities - commercial activity tax credit.

Second Hearing, Proponent

HOUSE ENERGY AND NATURAL RESOURCES Rep. Landis: 614-466-

8035

Tue., May. 24, 2016, 1:30 PM, Hearing Room 017

**SB293** MBR-NATURAL RESOURCES (BALDERSON T) To revise specified laws relating to natural resources.

Third Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

**HB214** PUBLIC IMPROVEMENT-PIPING MATERIAL (THOMPSON A) To restrict when a public authority may preference a particular type of piping material for certain public improvements.

Third Hearing, All Testimony

**HOUSE LOCAL GOVERNMENT** Rep. Anielski: 614-644-6041 Tue., May. 24, 2016, 2:00 PM, Hearing Room 113

**HB407** BODY CAMERAS-POLICIES (BOYCE K, GROSSMAN C) To require law enforcement agencies that use body cameras to adopt written policies for operation of the cameras and to require agencies to make the adopted policies available to the public.

Sixth Hearing, All Testimony, POSSIBLE VOTE

**SENATE FINANCE** Sen. Oelslager: 614-466-0626 Tue., May. 24, 2016, 2:30 PM, Finance Hearing Room

**Sub HB 277** COUNTY, TOWNSHIP, MUNICIPALITY (BRENNER A) - 911 levy in only areas served by 911

Third Hearing, Proponent/Opponent/Interested Party, POSSIBLE AMENDMENTS

**SB 331** DOG SALES BY STORES (PETERSON R) - Retailers-regulate/pet stores-license

First Hearing, Sponsor/Proponent/ Opponent/ Interested Party, POSSIBLE AMENDMENTS

HOUSE FINANCE Rep. Smith: 614-466-1366 Tue., May. 24, 2016, 3:00 PM, Hearing Room 313

**HB547** OBM-MBR (SMITH R) To provide authorization and conditions for the operation of state programs and to make appropriations.

Fourth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

**HB573** PET STORE LICENSES (SCHERER G) To regulate the sale of dogs from pet stores and dog retailers and to require the Director of Agriculture to license pet stores.

First Hearing, Sponsor/Proponent Testimony, PENDING REFERRAL

#### Wednesday, May 25, 2016

**HOUSE HEALTH AND AGING** Rep. Gonzales: 614-466-4847 Wed., May. 25, 2016, 9:30 AM, Hearing Room 116

**HB520** PUBLIC RETIREMENT SYSTEMS (SCHURING K, RAMOS D) To revise the law governing the state's public retirement systems.

Fourth Hearing, All Testimony, SUBSTITUTE BILL

**SENATE FINANCE** Sen. Oelslager: 614-466-0626 Wed., May. 25, 2016, 10:30 AM, Finance Hearing Room

**SB 331** DOG SALES BY STORES (PETERSON R) - Retailers-regulate/pet stores-license

Second Hearing, Proponent/ Opponent/ Interested Party, POSSIBLE AMENDMENTS

# PLEASE CHECK OUR WEBSITE MONDAY FOR THE FINAL COMMITTEE SCHEDULE

### **Meetings & Conferences**

| Mayors Association of Ohio<br>Annual Conference                    | June 15th - 17th, 2016<br>Marriott Columbus<br>Northwest | Registration        |
|--|--|---------------------|
| Ohio Municipal League<br>Income Tax Seminar                        | July 6th - 8th, 2016<br>Marriott Columbus Northwest      | Registration        |
| Ohio Municipal Clerks<br>Association<br>Annual Institute           | July 18th - 21st, 2016<br>Embassy Suites, Dublin         | <u>Registration</u> |
| Ohio Municipal Attorneys<br>Association<br>Municipal Law Institute | July 28th & 29th, 2016                                   | Registration        |

#### Ohio Municipal League

Legislative Inquires:
Kent Scarrett, Executive Director
Edward Albright, Deputy Director
Josh Brown, Director of Communications





# Legislative Bulletin

#### May 27, 2016

The General Assembly wrapped up several weeks of flurried activity this week. The House passed 34 bills and concurred with Senate amendments in 26 bills. The Senate passed 36 bills and concurred with House amendments in 8 bills. Several significant pieces of legislation were passed. You may notice that several bills we reported as committee actions in the last several weeks, are now being reported as being passed in the General Assembly. The General Assembly begins its summer break today and the League will spend the summer meeting with legislators and staff to engage in much needed conversations about municipal issues. We also have several events this summer for our members, where you will have an opportunity to engage us about what matters to you.

#### MEDICAL MARIJUANA, LEAD IN WATER TESTING STANDARDS, JEDD REVISION, 911, PUBLIC RECORDS AND MORE AMONG ISSUES LEGISLATURE PASSES AND SENDS TO THE GOVERNOR IMPACTING MUNICIPALITIES

The Ohio General Assembly made history this week when Ohio became the 25th state to enact legislation allowing for the medicinal use of marijuana. Deep into Wednesday evening, the Ohio Senate passed and the House concurred with amendments to HB 523, introduced by Representative Steve Huffman (R-Tipp City), which would authorize the use of marijuana for medical purposes and establish the Medical Marijuana Control Program. The bill underwent several significant amendments in the Senate. What follows are the ones that impact municipalities.

- First, an amendment clarified townships and municipal corporations will retain the ability through their legislative governing body to prohibit, zone, or limit the number of dispensaries within their jurisdiction.
- Second, medical marijuana establishments (dispensaries, processors, independent testing facilities, and cultivators) shall be prohibited from being situated within 1,000 feet of a school, church, public library, public playground, or public park.
- Third, an amendment was added that clarifies that employers are not required to accommodate an employee's use of medical marijuana. That amendment allows an employer to refuse to hire, discharge, or take adverse employment action against a person because of that person's use of medical marijuana, disqualifies from eligibility for unemployment compensation benefits an individual who is

discharged from employment because of that person's use of medical marijuana, and clarifies that this bill does not affect the authority of the BWC to grant rebates or discounts on premium rates that participate in a drug free workplace program.

Although the legislature has acted and the bill awaits the Governor's signature before becoming law, there are several organizations who are involved in the process of qualifying for ballot measures proposing alternative legalization language for the upcoming November General Election.

The Senate also passed HB 512, introduced by Representative Tim Ginter (R-Salem) which would establish requirements governing lead and copper testing for community and nontransient noncommunity water systems, would revise the law governing lead contamination from plumbing fixtures, would make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and would revise the laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds. This bill underwent no amendments, including to the public notice time frames in the bill, which many water systems felt needed to be extended.

The Senate passed and the House concurred in amendments to HB 182, introduced by Representative Kirk Schuring (R-Canton) which would revise the law governing the creation and operation of joint economic development districts (JEDDs) and enterprise zones. We reported on amendments made to this bill last week that were requested by the league and we appreciate the sponsor working with our concerns.

The Senate passed and the House concurred in amendments to HB 277, introduced by Representative Andrew Brenner (R-Powell) which would authorize a county, township, or municipal corporation to impose a 9-1-1 system levy in only the portion of the subdivision that would be served by the 9-1-1 system. There were no witnesses in committee meetings on this bill this week. The committee accepted two amendments from Chairman Oelslager without objection. The first amendment added an emergency clause to the bill, which will make the bill go into effect immediately upon the Governor's signature. A second amendment clarified that the bill covers 9-1-1 renewal levies.

The Senate passed and the House concurred to its amendments in HB 390, introduced by Representatives Tim Schaffer (R-Lancaster) and Wes Retherford (R-Hamilton), which exempt the sale of natural gas by a municipal gas company from the sales and use tax. The bill will give relief to seven municipalities that, through an interpretation by the Ohio Department of Taxation, acquired natural gas tax debts. The league appreciates the work of the two sponsors to ensure its passage. The bill was amended to the prohibit counties from imposing a utility service tax. This bill exploded into a full-blown MBR bill this week. The following amendments were added:

- addressing real property foreclosures
- restored funding for Union Catalog and InfoOhio Network
- unitized drilling of mineral rights owned by the Ohio Department of Transportation (ODOT)
- the Correctional Institution Inspection Committee (CIIC), which was largely restored to its existing form but without an actual director, to be replaced by "professional, technical and clerical employees" under the committee's direction
- adding a mechanism to enable the state to pay off the unemployment

- compensation debt this year using unclaimed funds (the money would be repaid through a surcharge on employers in 2017 but would save them nearly \$400 million in penalties to the federal government in the process)
- changes to the Ohio Film Production Tax Credit, increasing the annual cap from \$20 million to \$40 million per year

The House concurred with Senate amendments to HB 166, introduced by Representative Doug Green (R-Mt. Orab) which would extend the deadline for filing an application for the homestead exemption or 2 1/2% property tax rollback to the end of the tax year, would require that auditors certify Local Government Fund allocations to subdivisions by regular or electronic, rather than certified mail, and would repeal laws requiring county auditors to issue permits for traveling shows, issue licenses for new merchandise public auctions, certify the annual state tax interest rate to local courts, and provide certain certifications related to the repealed personal property tax.

As we reported last week, the bill did not include proposed amendments regulating pet stores. However, those amendments have been introduced as bills in the House and Senate. One of those bills-SB 331, introduced by Senator Bob Peterson (R-Washington Court House)-also passed the Senate this week. The other, HB 573, introduced by Representative Gary Scherer (R-Circleville) received a first hearing (sponsor testimony only) this week in the House Finance Committee. The League will be working to address the legal challenges that the bills presents due to the issue of home rule authority and have been and will continue to be in conversations with the bill sponsor's and other members to address our objections to the pre-emption language.

The House passed and the Senate concurred to amendments in SB 321, introduced by Senate President Keith Faber (R-Celina) which would create a procedure within the Court of Claims to hear complaints alleging a denial of access to public records and to modify the circumstances under which a person who files a mandamus action seeking the release of public records may be awarded court costs and attorney's fees. This bill will now go to the Governor for his consideration.

The legislature sent to the Governor HB 5, introduced by Representative Stephanie Kunze (R-Hilliard), which would allow the Auditor of State to conduct business case studies regarding the efficiency of local public offices and state agencies, would authorize the Auditor of State to establish a shared equipment service agreement program among political subdivisions, and would specify that a political subdivision that uses the loaned equipment has potential liability for its use under the Political Subdivision Tort Liability Law.

The House passed HB 12, introduced by Representative Jim Butler (R-Oakwood) which would establish a procedure by which political subdivisions proposing a tax increment financing (TIF) incentive district are required to provide notice to the record owner of each parcel within the proposed incentive district before creating the district, and would permit such owners, under specific conditions, to exclude their parcels from the incentive district by submitting a written response. The bill now goes to the Senate for consideration.

The House also passed HB 347, introduced by Representative Rob McColley (R-Napoleon) which would modify civil asset forfeiture proceedings and to modify the law

governing criminal asset forfeitures. The bill modifies the Forfeiture Law by revising the civil forfeiture process, among other changes. The bill will now go to the Senate for consideration. This is a bill the League is watching closely to ensure that the ability of our public safety forces to do their job will not be adversely effected.

## HOUSE COMMITTEE AMENDS BILL TO INCLUDE TWO MUNICIPAL INCOME TAX CHANGES RELATED TO HB5

In the flurry of activity and committee action that occurred this week, one bill was amended deep in the process to include two changes to ORC 718 and the Ohio municipal income tax. On Tuesday, the Ohio House Ways and Means Committee amended SB 172, legislation introduced by Sen. Kris Jordan (R-Delaware) exempting from sales and use taxation sales of investment metal bullion and investment coins. As a result of language included in HB5, the municipal income tax reform bill enacted in 2014 and effective January 1, 2016, a change was made on when quarterly withholding for employers would be due to 15 days after the end of the quarter. The change included in SB 172 will change that date to the 30th after the end of each quarter, to be uniform with the state code.

Another change was added to the bill that deals with when an electronic payment is received through the Ohio Business Gateway. The bill modifies the rule for when any municipal income tax payment remitted electronically is considered to have been made. Under current law, such a payment is generally considered to have been made on the date the payment is credited to an account designated by the tax administrator to receive such payments. Instead, the bill provides that such a payment is considered to have been made on the date of the timestamp assigned by the first electronic system receiving the payment. The league with the assistance of Mindy Frank, Tax Administrator for the city of Columbus had been working with the OSCPA's and legislators to have alternative language offered to address the concerns raised by some tax preparers, which would have provided greater certainty that payments would be received by taxpayers when due. As is often the case when there is a rush to complete legislation to meet a deadline for the legislature to adjourn, the clock ran out on getting an agreeable solution to the issue. During the committee hearing, the chairman of the committee and the sponsor of the amendment pledged to work with the league and other parties to come to a resolution over the summer and have a "fix" included in legislation for the upcoming lame duck session.

# COMMITTEES HEAR BILLS RELATED TO FIREFIGHTER CANCER PRESUMPTION, PAWNBROKERS, FORECLOSURES AND POLICE BODY CAMERAS BEFORE ADJOURNING FOR SUMMER

The House Insurance Committee held a first hearing (sponsor testimony) on SB 27, introduced by Senator Tom Patton (R-Cleveland) which would provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter. We have reported extensively on this legislation and will continue to make our public testimony available. The League continues to be involved in conversations surrounding this bill and will continue to address the shortcomings of the current proposal and the fiscal

impact to Ohio cities and villages.

The Senate Government Oversight and Reform Committee held hearings on two bills that the League is following. First, the Committee held a fourth hearing on SB 270, introduced by Senator John Eklund (R-Munson Township) which would make changes to the law regarding pawnbrokers. We reported last week on the difficult issues brought up by officials from Columbus and the Police Chiefs Association. Amendments were made last week which removed paragraphs limiting information law enforcement officers can seek to obtain from pawn shop licensees, in response to those concerns. However, there appears to continue to be issues that need to be worked out. The League will continue to work with the sponsor and interested parties to ensure that concerns that have been raised so unintended consequences can be avoided.

Second, the Committee held a second hearing on HB 134, introduced by Representatives Cheryl Grossman (R-Grove City) and Michael Curtin (D-Columbus), which would establish summary actions to foreclose mortgages on vacant and abandoned residential properties, expedite the foreclosure and transfer of unoccupied, blighted parcels, and would make other changes relative to residential foreclosure actions. If you have been following our reporting on HB 463, you may notice similarities between the bills. That bill's sponsor testified in favor of HB 134, and this week, the provisions of HB 463 were amended into HB 134. A consensus seems to be forming around the basic changes in each bill. The amended version received proponent or interested party testimony from the Ohio State Bar Association, the County Treasurer's Association, Families for Foreclosure Fairness, the Greater Ohio Policy Center, the City of Cincinnati, the Ohio Judicial Conference, the Ohio Recorder's Association, and the Ohio Environmental Council. The League has been involved with the process for both bills and will continue to be involved in the progress of the proposal.

The House Energy and Natural Resources Committee held a third hearing on HB 214, introduced by Representative Andrew Thompson (R-Marietta), which would restrict when a public authority may preference a particular type of piping material for certain public improvements. The League has submitted opposition testimony to the bill which can be found HERE because it would limit municipalities' discretion regarding the bidding process on water works projects.

The House Local Government Committee held a sixth hearing and passed HB 407, introduced by Representatives Cheryl Grossman (R-Grove City) and Kevin Boyce (D-Columbus) which require law enforcement agencies that use body cameras to adopt written policies for operation of the cameras and to require agencies to make the adopted policies available to the public.

#### MESSAGE FROM THE OHIO EPA ABOUT WATER SYSTEMS

The following is a message from the Ohio EPA:

May 25, 2016

Mayors, County Commissioners, Regional Authority Officials, Consulting Engineers, and Interested Citizens

RE: Draft 2017 Drinking Water Assistance Fund Program Management Plan Available

Dear Madam or Sir:

Director Butler, of Ohio EPA is pleased to announce the availability of the "Draft" 2017 Drinking Water Assistance Fund (DWAF) Program Management Plan for your review and comment. Comments will be received until Monday, June 27, 2016 close of business. A public meeting will be held on Monday, June 27, 2016 at 10:30 A.M. and 1:00 P.M. in Ohio EPA's Center of Excellence on the 7th floor, to answer your questions and receive your comments. You will find the documents by following this link: <a href="http://www.epa.ohio.gov/defa/ofa.aspx">http://www.epa.ohio.gov/defa/ofa.aspx</a>.

Thank you for your continuing interest in improving Ohio's drinking water.

#### MESSAGE FROM OEPA STATE RELEASES DRAFT LAKE ERIE NUTRIENT REDUCTION PLAN

The Ohio Environmental Protection Agency (Ohio EPA) is seeking public comment on its draft Western Lake Erie Basin Collaborative Agreement Implementation Plan to reduce phosphorus entering Lake Erie by 40 percent by 2025.

The document shows how the state will implement the Western Basin of Lake Erie Collaborative Agreement, which was signed in June 2015 by Lt. Gov. Mary Taylor, Michigan and Ontario with a goal of reducing phosphorus loading to Lake Erie by 20 percent by 2020 and 40 percent by 2025. This plan gives Ohio a two-year jump start on USEPA's and Environment and Climate Change Canada's deadline to develop a state domestic action plan required under the binational Great Lakes Water Quality Agreement.

According to a news release from Ohio EPA, items to be implemented focus on prioritizing and assessing watersheds within the Western Lake Erie Basin; furthering the use of nutrient best management practices in agriculture and at point source discharges; identifying and fixing failing home septic systems; and improving the coordination of programs and funds being spent in the basin.

The Ohio Lake Erie Commission will be coordinating the implementation of the plan with Ohio EPA, Ohio Department of Agriculture (ODAG), Ohio Department of Health (ODH) and Ohio Department of Natural Resources (ODNR). Each agency will be accountable for implementing their respective areas of authority included in the plan.

"The adaptive management process is central to the long-term implementation of the plan. This means that water quality monitoring, sampling and nutrient management practices processes will be developed, evaluated, and adjusted as circumstances change in order to meet the goals of the collaborative," Ohio EPA said. Verification that implemented programs are working to reduce nutrients from entering the lake will be key over time as the state moves towards its goal.

Public comments on the draft implementation plan should be sent to: collaborativecomments@epa.ohio.gov

Please send by the close of business on Saturday, June 25.

The full draft plan is available **HERE**.

#### HOTEL ACCOMMODATIONS AT THIS YEAR'S TAX SEMINAR

This year's Income Tax Seminar is proving to be equally as informative and heavily attended as last year's seminar. Because of the high volume registrations at this point, OML has learned that the Marriott NW has reached its booking capacity and have sold out of the rooms reserved during this already busy time for central Ohio hotels.

To accommodate the increased demand for rooms, OML has secured more rooms with the same rate as offered at the Marriott NW. We are currently holding rooms at Embassy Suites Columbus - Dublin, 5100 Upper Metro Place Dublin, Ohio 43017. For Reservations Call - 1-800-220-9219 or go to <a href="Embassy Suites Website">Embassy Suites Website</a> \*when registering please use **Group Code: OMM\*** Please check our website often as we will post updates on room rates and locations. If you have any additional questions please contact our office.

## SUMMER RECESS AT THE OHIO STATEHOUSE WILL NOT MEAN A BREAK FOR THE LEAGUE

During the time that the legislature is on summer recess, the publication of our bulletins will slow down to a bi-weekly schedule, except when issues arise that we feel it important to contact our members through a special bulletin.

There will be a lot of activity with the league this summer, in addition to the conferences, seminars and other organized league activities. Our Board of Trustees will be participating in a first ever organizational retreat June 9 & 10 in Columbus where we will be doing an extensive forensic analysis and examination of where the league has been, where we are and where we want to be.

This is a very exciting opportunity for the organization to readjust where necessary and to implement whole new systems of operation and advocacy for the future success of the league and our members. In addition to the retreat, we will be sharing with our members future plans that are being engaged in that should place the league in a greater leadership role in providing more effective and efficient systems for our members to communicate their concerns and opportunities for solutions with their residents, state legislators and others interested in the success of the state of Ohio.

Have a safe and enjoyable Memorial Day and lest we forget those that have sacrificed so much.~

# **Meetings & Conferences**

| Mayors Association of Ohio<br>Annual Conference                    | June 15th - 17th, 2016<br>Marriott Columbus<br>Northwest | Registration        |
|--|--|---------------------|
| Ohio Municipal League<br>Income Tax Seminar                        | July 6th - 8th, 2016<br>Marriott Columbus Northwest      | Registration        |
| Ohio Municipal Clerks<br>Association<br>Annual Institute           | July 18th - 21st, 2016<br>Embassy Suites, Dublin         | <u>Registration</u> |
| Ohio Municipal Attorneys<br>Association<br>Municipal Law Institute | July 28th & 29th, 2016                                   | Registration        |

#### Ohio Municipal League

Legislative Inquires:

Kent Scarrett, Executive Director
Edward Albright, Deputy Director
Josh Brown, Director of Communications